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## REMARKS

Claims 1-14 and 36-48 are pending in this present application. Claims 15-35 are withdrawn from consideration as being drawn to a non-elected invention, and claims 36-48 are newly presented. Reconsideration of the application is respectfully requested in view of the following responsive remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

In the Office Action of June 20, 2006, the Examiner rejected claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,849,149 (hereinafter "Otaki") in view of U.S. Patent No. 4,893,877 (hereinafter "Coates"). Before discussing the obviousness rejections herein, it is thought proper to briefly state what is required to sustain such a rejection. The issue under § 103 is whether the PTO has stated a case of *prima facie* obviousness. According to the MPEP § 2142, the Examiner has the burden and must establish a case of *prima facie* obviousness by showing the prior art reference, or references combined, teach or suggest all the claim limitations in the instant application. Further, the Examiner has to establish some motivation or suggestion to combine and/or modify the references, where the motivation must arise from the references themselves, or the knowledge generally available to one of ordinary skill in the art. The Applicant respectfully asserts that the Examiner has not satisfied the requirement for establishing a case of *prima facie* obviousness in any of the rejections.

### Claims 1-5 and 7-13

Claim 1 has been amended to requiring that the printable layer comprise a material selected from polyesters, cellulose esters, polyamides, polycarbonates, polyimides, polyolefins, polysulfonamides, and composites or mixtures thereof. In light of the amendment, and as neither cited Otaki nor Coates teach these materials in the printable layer, the Applicant believes the rejection to be moot. As such, withdraw of the rejection is requested.

### Claim 14

A *prima facie* case of obviousness has not been presented for claim 14 for lack of teaching of each and every element of the claim. Specifically, neither Otaki nor Coates teach a foil. A metallic foil, as commonly known, is a thin sheet of self-supporting metal. Claim 14 specifically claims a metallic foil layer. Otaki teaches only a hologram. Coats, on the

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other hand, teaches metallic holograms comprising a thin layer of metal which is always adhered to or deposited on a substrate. Unlike the claimed foil, the metallic layer of Coates is necessarily very thin and is fabricated or deposited on a die or substrate which is then used for transferring purposes. The methods of Coates, such as sputtering and vacuum depositing the thin layer of metal, would not create a foil. The metal layers of Coates are not layers of self-supporting metal. As neither Coates nor Otaki teach a metallic foil layer, they do not teach each and every element either alone or in combination. Therefore, withdrawal of the rejection is requested.

Claims 36-48

Newly added claims 36-48 are clearly distinct from Otaki and Coates in that the claims require an image-free metallic layer. Both Otaki and Coates teach holographic images. As stated above, these new claims are supported by Fig. 1 and Fig. 2, along with page 7, lines 1-20. As images are actually shown in the figures where present in FIGS. 1 and 2, other locations where no images are shown provide support for the lack of said images. The Applicant asserts that these claims are in condition for allowance, and respectfully requests consideration thereof.

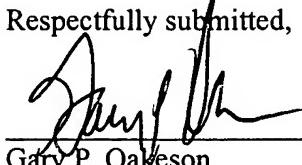
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It is respectfully submitted that the rejections of the presently pending claims be reconsidered and withdrawn and that all claims be allowed. In view of the foregoing, Applicants believe that claims 1-14 and 36-48 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone W. Bradley Haymond (Registration No. 35,186) at (541) 715-0159 so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 08-2025

Dated this 18<sup>th</sup> day of September, 2006.

Respectfully submitted,



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